



301 RAVENSWOOD AVENUE  
 MENLO PARK, CA 94025-3434  
 PHONE 650.463.8100  
 FAX 650.463.8400  
 A LIMITED LIABILITY PARTNERSHIP

July 14, 2004

**VIA FACSIMILE AND U.S. MAIL**

Michael A. Weinstein, Esq.  
 Dickstein Shapiro Morin & Oshinsky, LLP  
 2101 L Street NW  
 Washington, D.C. 20037

Re: *Synopsys, Inc v. Ricoh Company, Ltd.*  
Case No. CV 03-02289 MJJ (MCC)  
*Ricoh Company, Ltd. v. Aeroflex, Inc.*  
Case No. CV 03-04669 MJJ (MCC)

Dear Michael:

I write regarding your letter of July 9, 2004, enclosing a subpoena directed to Dr. Thaddeus Kowalski. As you are aware, the Court informed the parties during the conference earlier today that it would not rely on any extrinsic evidence. Further, in the event the Court determines at a later date that reliance on extrinsic evidence is appropriate, the Court will notify the parties and provide an opportunity to conduct discovery.

In light of the Court's statements, a deposition of Dr. Kowalski at this time would be premature. We thus request that you withdraw the subpoena. Please let me know before the close of business tomorrow, July 15, 2004, whether you agree to withdraw the subpoena.

Very truly yours,

 Jayna R. Whitt  
 sc

cc: Edward A. Meilman, Esq.  
 Gary M. Hoffman, Esq.



301 RAVENSWOOD AVENUE  
MENLO PARK, CA 94025-3434  
PHONE: 650.463.8100 • FAX: 650.463.8400

### FACSIMILE COVER SHEET

**DATE:** July 14, 2004

**TO:**

1. NAME: Michael A. Weinstein, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky  
CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: \_\_\_\_\_

2. NAME: Edward A. Meilman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky  
CITY: New York, NY FAX #: (212) 997-9880 PHONE #: \_\_\_\_\_

3. NAME: Gary M. Hoffman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky  
CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: \_\_\_\_\_

4. NAME: \_\_\_\_\_ COMPANY: \_\_\_\_\_  
CITY: \_\_\_\_\_ FAX #: \_\_\_\_\_ PHONE #: \_\_\_\_\_

5. NAME: \_\_\_\_\_ COMPANY: \_\_\_\_\_  
CITY: \_\_\_\_\_ FAX #: \_\_\_\_\_ PHONE #: \_\_\_\_\_

**FROM:** NAME: Susan Crane for Jayna Whitt

DIRECT DIAL NUMBER: (650) 463-8124 USER ID: 4099

NUMBER OF PAGES, INCLUDING COVER: 2 CHARGE NUMBER: 06816.0060.000000

**ORIGINAL WILL FOLLOW VIA:**

REGULAR MAIL     OVERNIGHT DELIVERY     HAND DELIVERY     OTHER: \_\_\_\_\_

**ORIGINAL WILL NOT FOLLOW**

#### SUPPLEMENTAL MESSAGE:

Please see attached letter of this date from Jayna Whitt.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE, PLEASE CALL 650.463.8103.

\* \* \* COMMUNICATION RESULT REPORT ( JUL. 14. 2004 6:28PM ) \* \* \*

FAX HEADER 1:  
FAX HEADER 2:

TRANSMITTED/STORED : JUL. 14. 2004 6:25 PM  
FILE MODE OPTION

**ADDRESS**

## RESULT

PAGE

1475 MEMORY TX

## OPTION

**ADDRESS**

## RESULT

PAGE

G3 : 2#702#912028870689  
G3 : 2#702#91212979880

--  
OK  
OK

2/2

REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
E-3) NO ANSWER  
E-5) MAIL SIZE OVER

E-2} BUSY  
E-4} NO FACSIMILE CONNECTION



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MENLO PARK, CA 94025-3434  
PHONE: 650.463.8100 • FAX: 650.463.8400

**FACSIMILE COVER SHEET**

<b>DATE:</b>	<u>July 14, 2004</u>			
<b>TO:</b>				
1. NAME:	<u>Michael A. Weinstein, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
		PHONE #:		
2. NAME:	<u>Edward A. Meilman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
		PHONE #:		
3. NAME:	<u>Gary M. Hoffman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
		PHONE #:		
4. NAME:		COMPANY:		
CITY:		FAX #:		
		PHONE #:		
5. NAME:		COMPANY:		
CITY:		FAX #:		
		PHONE #:		
<b>FROM:</b>	<b>NAME:</b>	<u>Susan Crane for Jayna Whitt</u>		
	<b>DIRECT DIAL NUMBER:</b>	<u>(650) 463-8124</u>	<b>USER ID:</b>	<u>4099</u>
<b>NUMBER OF PAGES, INCLUDING COVER:</b>		<u>2</u>	<b>CHARGE NUMBER:</b>	<u>06816.0060.000000</u>

ORIGINAL WILL FOLLOW VIA:

**REGULAR MAIL**       **OVERNIGHT DELIVERY**       **HAND DELIVERY**       **OTHER:** \_\_\_\_\_

ORIGINAL WILL NOT FOLLOW

**SUPPLEMENTAL MESSAGE:**

Please see attached letter of this date from Jayna Whitt.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.



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PHONE 650.463.8100  
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A LIMITED LIABILITY PARTNERSHIP

July 16, 2004

**VIA FACSIMILE AND U.S. MAIL**

Michael A. Weinstein, Esq.  
Dickstein Shapiro Morin & Oshinsky, LLP  
2101 L Street NW  
Washington, D.C. 20037

Re: *Synopsys, Inc v. Ricoh Company, Ltd.*  
Case No. CV 03-02289 MJJ (MCC)  
*Ricoh Company, Ltd. v. Aeroflex, Inc.*  
Case No. CV 03-04669 MJJ (MCC)

Dear Michael:

This letter follows up on my letter of July 14, 2004, regarding our request that Ricoh withdraw the subpoena directed to Dr. Thaddeus Kowalski. In my letter of July 14, 2004, I requested a response by the close of business yesterday. I left you a voice mail earlier today but have not yet heard back from you. If Ricoh does not agree in writing to withdraw the subpoena by Monday morning, we will schedule a conference with Magistrate Chen as soon as possible to resolve the dispute.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jayna R. Whitt".

Jayna R. Whitt

cc: Edward A. Meilman, Esq.  
Gary M. Hoffman, Esq.  
Kenneth Brothers, Esq.



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### FACSIMILE COVER SHEET

**DATE:** July 16, 2004

**TO:**

1. NAME: Michael A. Weinstein, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky  
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: \_\_\_\_\_

2. NAME: Edward A. Meilman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky  
 CITY: New York, NY FAX #: (212) 997-9880 PHONE #: \_\_\_\_\_

3. NAME: Gary M. Hoffman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky  
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: \_\_\_\_\_

4. NAME: Kenneth W. Brothers, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky  
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: \_\_\_\_\_

5. NAME: \_\_\_\_\_ COMPANY: \_\_\_\_\_  
 CITY: \_\_\_\_\_ FAX #: \_\_\_\_\_ PHONE #: \_\_\_\_\_

**FROM:** NAME: Susan Crane for Jayna Whitt  
 DIRECT DIAL NUMBER: (650) 463-8124 USER ID: 4099  
 NUMBER OF PAGES, INCLUDING COVER: 2 CHARGE NUMBER: 06816.0060.000000

**ORIGINAL WILL FOLLOW VIA:**

REGULAR MAIL     OVERNIGHT DELIVERY     HAND DELIVERY     OTHER: \_\_\_\_\_

**ORIGINAL WILL NOT FOLLOW**

**SUPPLEMENTAL MESSAGE:**

Please see attached letter of this date from Jayna Whitt.

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\* \* \* COMMUNICATION RESULT REPORT ( JUL. 16. 2004 3:44PM ) \* \* \*

FAX HEADER 1:  
FAX HEADER 2:TRANSMITTED/STORED : JUL. 16. 2004 3:41PM  
FILE MODE OPTION

ADDRESS

RESULT

PAGE

1485 MEMORY TX

G3 : 2#282#912028870689  
G3 : 2#282#912129979880OK  
OK2/2  
2/2REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
E-3) NO ANSWER  
E-5) MAIL SIZE OVERE-2) BUSY  
E-4) NO FACSIMILE CONNECTION

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MENLO PARK, CA 94025-3434  
PHONE: 650.463.8100 • FAX: 650.463.8400

#### FACSIMILE COVER SHEET

<b>DATE:</b>	<u>July 16, 2004</u>			
<b>TO:</b>				
1. NAME:	<u>Michael A. Weinstein, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
2. NAME:	<u>Edward A. Mellman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
3. NAME:	<u>Gary M. Hoffman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
4. NAME:	<u>Kenneth W. Brothers, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
5. NAME:		COMPANY:		
CITY:		FAX #:		
<b>FROM:</b>	<b>NAME:</b>	<u>Susan Crane for Jayna Whitt</u>		
	<b>DIRECT DIAL NUMBER:</b>	<u>(650) 463-8124</u>	<b>USER ID:</b>	<u>4099</u>
<b>NUMBER OF PAGES, INCLUDING COVER:</b>		<u>2</u>	<b>CHARGE NUMBER:</b>	<u>06816.0060.000000</u>

 **ORIGINAL WILL FOLLOW VIA:** REGULAR MAIL     OVERNIGHT DELIVERY     HAND DELIVERY OTHER: \_\_\_\_\_ **ORIGINAL WILL NOT FOLLOW****SUPPLEMENTAL MESSAGE:**

Please see attached letter of this date from Jayna Whitt.

D I C K S T E I N   S H A P I R O   M O R I N   &   O S H I N S K Y   L L P  
2101 L Street NW • Washington, DC 20037-1526  
Tel (202) 785-9700 • Fax (202) 887-0689  
Writer's Direct Dial: (202) 828-4821  
E-Mail Address: WeinsteinM@dsmo.com

July 19, 2004

**Via E-Mail and US Mail**

Jayna R. Whitt, Esq.  
Howrey Simon Arnold & White, LLP  
301 Ravenswood Avenue  
Menlo Park, CA 94025-3434

RE: *Ricoh v. Aeroflex*, Case No. CV 03-4669 MJJ (EMC)  
*Synopsys v. Ricoh* Case No. CV 03-2289 MJJ (EMC)  
Your Ref.: 06816.0060.000000  
Our Ref.: R2180.0171

Dear Jayna:

In response to your letter of July 16, 2004, we decline your request to withdraw the subpoena directed to Dr. Kowalski and expect your full compliance with the subpoena. Further, we believe that your clients (including your firm) are obligated to produce all documents and communications between or among Dr. Kowalski, your clients and your firm. We expect that you will produce all communications with Dr. Kowalski, including emails, by the return date of July 30, 2004.

We agree that you bear the burden of seeking a protective order. Pursuant to Magistrate Judge Chen's instructions, please forward to us your portion of a joint letter, and we will provide our response.

Very truly yours,



Michael A. Weinstein

cc: Gary Hoffman, Esq.  
Edward A. Meilman, Esq.  
Kenneth Brothers, Esq.  
Jeffrey Demain, Esq.

1177 Avenue of the Americas • New York, NY 10036-2714  
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July 20, 2004

**VIA FACSIMILE AND U.S. MAIL**

Michael A. Weinstein, Esq.  
Dickstein Shapiro Morin & Oshinsky, LLP  
2101 L Street NW  
Washington, D.C. 20037

**RE:** *Synopsys, Inc v. Ricoh Company, Ltd.*  
Case No. CV 03-02289 MJJ (EMC)  
*Ricoh Company, Ltd. v. Aeroflex, Inc.*  
Case No. CV 03-04669 MJJ (EMC)

Dear Michael:

This letter responds to your letter of July 19, 2004, regarding Ricoh's subpoena directed to Dr. Thaddeus Kowalski. We are surprised that you would force us to move for a protective order on this issue given Judge Jenkins' comments during the status conference last Wednesday, July 14, 2004.

In light of the Court's comments, we strenuously disagree that Ricoh is entitled to any discovery from Dr. Kowalski at this time, including document production and deposition. Therefore, we will send our portion of a joint letter to you by the close of business tomorrow, July 21, 2004, and expect that you will provide your portion of a joint letter to us by the close of business on Thursday, July 22, 2004. We reserve the right to modify our portion of the joint letter in response to your portion, and then we will file it with the Court on Friday, July 23, 2004. Please contact me should you have any questions.

Very truly yours,

Jayna R. Whitt

cc: Edward A. Meilman, Esq.  
Gary M. Hoffman, Esq.  
Kenneth Brothers, Esq.



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 MENLO PARK, CA 94025-3434  
 PHONE: 650.463.8100 • FAX: 650.463.8400

### FACSIMILE COVER SHEET

<b>DATE:</b>	<u>July 20, 2004</u>			
<b>TO:</b>				
1. NAME:	<u>Michael A. Weinstein, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
2. NAME:	<u>Edward A. Meilman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
3. NAME:	<u>Gary M. Hoffman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
4. NAME:	<u>Kenneth W. Brothers, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
5. NAME:	<u></u>	COMPANY:	<u></u>	
CITY:	<u></u>	FAX #:	<u></u>	
<b>FROM:</b>	<b>NAME:</b>	<u>Susan Crane for Jayna Whitt</u>		
	<b>DIRECT DIAL NUMBER:</b>	<u>(650) 463-8124</u>	<b>USER ID:</b>	<u>4099</u>
<b>NUMBER OF PAGES, INCLUDING COVER:</b>		<u>2</u>	<b>CHARGE NUMBER:</b>	<u>06816.0060.000000</u>

**ORIGINAL WILL FOLLOW VIA:**

REGULAR MAIL     OVERNIGHT DELIVERY     HAND DELIVERY     OTHER: \_\_\_\_\_

**ORIGINAL WILL NOT FOLLOW**

**SUPPLEMENTAL MESSAGE:**

Please see attached letter of this date from Jayna Whitt.

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\* \* \* COMMUNICATION RESULT REPORT ( JUL. 20. 2004 2:23PM ) \* \* \*

FAX HEADER 1:  
FAX HEADER 2:TRANSMITTED/STORED : JUL. 20. 2004 2:19PM  
FILE MODE            OPTION

ADDRESS

RESULT

PAGE

1492 MEMORY TX

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2/2REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
E-3) NO ANSWER  
E-5) MAIL SIZE OVERE-2) BUSY  
E-4) NO FACSIMILE CONNECTION

301 RAVENSWOOD AVENUE  
MENLO PARK, CA 94025-3434  
PHONE: 650.463.8100 • FAX: 650.463.8400

## FACSIMILE COVER SHEET

<b>DATE:</b>	<u>July 20, 2004</u>			
<b>TO:</b>				
1. NAME:	<u>Michael A. Weinstein, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
2. NAME:	<u>Edward A. Meilman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
3. NAME:	<u>Gary M. Hoffman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
4. NAME:	<u>Kenneth W. Brothers, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin &amp; Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
5. NAME:		COMPANY:		
CITY:		FAX #:		
<b>FROM:</b>	<b>NAME:</b>	<u>Susan Crane for Jayna Whitt</u>		
	<b>DIRECT DIAL NUMBER:</b>	<u>(650) 463-8124</u>	<b>USER ID:</b>	<u>4099</u>
<b>NUMBER OF PAGES, INCLUDING COVER:</b>		<u>2</u>	<b>CHARGE NUMBER:</b>	<u>06816.0060.000000</u>

 **ORIGINAL WILL FOLLOW VIA:**

**REGULAR MAIL**    **OVERNIGHT DELIVERY**    **HAND DELIVERY**    **OTHER:** \_\_\_\_\_

 **ORIGINAL WILL NOT FOLLOW****SUPPLEMENTAL MESSAGE:**

Please see attached letter of this date from Jayna Whitt.

D I C K S T E I N   S H A P I R O   M O R I N   &   O S H I N S K Y   L L P  
2101 L Street NW • Washington, DC 20037-1526  
Tel (202) 785-9700 • Fax (202) 887-0689  
Writer's Direct Dial: (202) 828-4821  
E-Mail Address: WeinsteinM@dsno.com

July 21, 2004

**Via Facsimile and US Mail**

Jayna R. Whitt, Esq.  
Howrey Simon Arnold & White, LLP  
301 Ravenswood Avenue  
Menlo Park, CA 94025-3434

RE: *Ricoh v. Aeroflex*, Case No. CV 03-4669 MJJ (EMC)  
*Synopsys v. Ricoh* Case No. CV 03-2289 MJJ (EMC)  
Your Ref.: 06816.0060.000000  
Our Ref.: R2180.0171

Dear Jayna:

The schedule which you have sought to impose on us in your letter of July 20, 2004 is unreasonable and unacceptable. It will not be followed.

We will prepare and provide you in a timely fashion with our portion of the joint letter (including an observation that you have failed to even seek to have a meet and confer). Obviously, until we receive your portion of the joint letter, we cannot even estimate how long it will take us to prepare our response.

Your letter also states that you intend to modify your portion of the joint letter if you see fit and then file the joint letter with the Court. That is also unacceptable. Both sides must have finalized their portions in response to the other side's portion before the letter is properly designated as a "joint" letter.

Very truly yours,

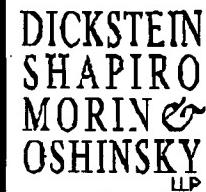


Michael A. Weinstein

cc: Gary Hoffman, Esq.  
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Kenneth Brothers, Esq.  
Jeffrey Demain, Esq.

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Tel (212) 835-1400 • Fax (212) 997-9880  
www.DicksteinShapiro.com

# FAX TRANSMISSION

DATE: July 21, 2004CLIENT NO.: R2180.0171MESSAGE TO: Jayna R. Whitt, Esq.COMPANY: Howrey Simon Arnold & White, LLPFAX NUMBER: (650) 463-8400PHONE: (650) 463-8100FROM: Michael A. Weinstein TIMEKEEPER NO.:                   PHONE: (202) 828-4821PAGES (Including Cover Sheet): 2 HARD COPY TO FOLLOW: x YES        NO

SENT BY:		DATE/TIME:	
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**MESSAGE:**

If your receipt of this transmission is in error, please notify this firm immediately by collect call to our Facsimile Department at 202-861-9106, and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated



301 RAVENSWOOD AVENUE  
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July 21, 2004

***VIA FACSIMILE AND U.S. MAIL***

Michael A. Weinstein, Esq.  
Dickstein Shapiro Morin & Oshinsky, LLP  
2101 L Street NW  
Washington, D.C. 20037

***RE: Ricoh Company, Ltd. v. Aeroflex, Inc.***  
**Case No. CV 03-04669 MJJ (EMC)**

Dear Michael:

This responds to your letter of earlier today regarding Dr. Kowalski's motion for a protective order. In light of my letters to you as well as my voice mail seeking a response to our request that Ricoh withdraw its subpoena and your written response unequivocally insisting on compliance absent a protective order, we do not understand how you can claim that we failed to meet and confer. If you believe we can reach an agreement regarding this matter, I am available for a telephone conference this afternoon.

Additionally, we are surprised that you will not comply with our proposed schedule for a joint submission to Magistrate Chen. We proposed an expedited schedule in order to seek resolution of the disagreement before the dates set forth in the subpoena to Dr. Kowalski. If you would like to extend the schedule, then you must agree to withdraw the subpoena. If you do not withdraw the subpoena pending resolution of the matter or agree to proceed with our schedule, we will submit our letter to Magistrate Chen tomorrow, July 22, 2004, without your position.

With respect to our reservation to amend our portion of the joint letter, we do not agree with your objection. As the moving party, we would be entitled to a reply brief. Please let me know promptly (and by the end of the day at the latest) whether you agree to proceed with the schedule set forth in my letter of July 20, 2004.

Very truly yours,

Jayna R. Whitt

cc: Edward A. Meilman, Esq.  
Gary M. Hoffman, Esq.  
Kenneth Brothers, Esq.

**MEMORY TRANSMISSION REPORT**

TIME : JUL-21-2004 02:33PM  
 TEL NUMBER : 650-463-8400  
 NAME : HOWREY

FILE NUMBER : 922  
 DATE : JUL-21 02:32PM  
 TO : 2#112#912028870689#  
 DOCUMENT PAGES : 002  
 START TIME : JUL-21 02:32PM  
 END TIME : JUL-21 02:33PM  
 SENT PAGES : 002  
 STATUS : OK

FILE NUMBER : 922      **\*\*\* SUCCESSFUL TX NOTICE \*\*\***



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 MENLO PARK, CA 94025-3434  
 PHONE: 650.463.8100 • FAX: 650.463.8400

**FACSIMILE COVER SHEET**

<u>DATE:</u>	<u>July 21, 2004</u>		
<u>TO:</u>	<u>NAME:</u> <u>Michael A. Weinstein, Esq.</u> <u>COMPANY:</u> <u>Dickstein Shapiro Morin &amp; Oshinsky, LLP</u> <u>FAX NUMBER</u> : <u>(202) 887-0689</u> <u>PHONE NUMBER:</u> _____ <u>CITY:</u> <u>Washington, D.C.</u>		
<u>FROM:</u>	<u>NAME:</u> <u>Jayna R. Whitt, Esq.</u> <u>DIRECT DIAL NUMBER:</u> <u>(650) 463-8157</u>	<u>USER ID:</u>	<u>1699</u>
<u>NUMBER OF PAGES, INCLUDING COVER:</u>	<u>2</u>	<u>CHARGE NUMBER:</u>	<u>06816.0060</u>

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MENLO PARK, CA 94025-3434  
PHONE: 650.463.8100 • FAX: 650.463.8400

### FACSIMILE COVER SHEET

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**TO:** NAME: Michael A. Weinstein, Esq.

COMPANY: Dickstein Shapiro Morin & Oshinsky, LLP

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CITY: Washington, D.C.

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TIME : JUL-21-2004 02:38PM  
 TEL NUMBER : 650-463-8400  
 NAME : HOWREY

FILE NUMBER : 923  
 DATE : JUL-21 02:37PM  
 TO : 2#092#912129979880#  
 DOCUMENT PAGES : 002  
 START TIME : JUL-21 02:37PM  
 END TIME : JUL-21 02:38PM  
 SENT PAGES : 002  
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**FACSIMILE COVER SHEET**

<b>DATE:</b>	<u>July 21, 2004</u>			
<b>TO:</b>				
1. NAME:	<u>Edward A. Meilman</u>	COMPANY:	<u>Dickstein Shapiro, et al.</u>	
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
PHONE #:	<u>(212) 835-1400</u>			
2. NAME:	<u>Gary M. Hoffman and Kenneth Brothers</u>	COMPANY:	<u>Dickstein Shapiro, et al.</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
PHONE #:	<u>(202) 785-9700</u>			
3. NAME:				
CITY:				
4. NAME:				
CITY:				
5. NAME:				
CITY:				
<b>FROM:</b>	<b>NAME:</b>	<u>Jayna R. Whitt, Esq.</u>		
<b>DIRECT DIAL NUMBER:</b>		<u>(650) 463-8169</u>	<b>USER ID:</b>	<u>1699</u>
<b>NUMBER OF PAGES, INCLUDING COVER:</b>		<u>2</u>	<b>CHARGE NUMBER:</b>	<u>06816.0060.000000</u>

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FILE NUMBER : 924  
 DATE : JUL-21 02:38PM  
 TO : 2#680#912028870689#  
 DOCUMENT PAGES : 002  
 START TIME : JUL-21 02:38PM  
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CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u> PHONE #: <u>(202) 785-9700</u>
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CITY:		FAX #:	
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CITY:		FAX #:	
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CITY:		FAX #:	
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 CITY: \_\_\_\_\_ FAX #: \_\_\_\_\_ PHONE #: \_\_\_\_\_

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SYNOPSYS, INC.,  
Plaintiff,

No. C-03-2289 MJJ (EMC)  
No. C-03-4669 MJJ (EMC)

v.  
RICOH CO., LTD.,  
Defendant.

---

**ORDER RE TIME-SENSITIVE  
DISPUTES REGARDING SCOPE OF  
DISCOVERY AND UPCOMING  
DEPOSITIONS IN JAPAN**

RICOH CO., LTD.,  
Plaintiff,

v.  
AEROFLEX, et al.,  
Defendants.

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On May 13, 2004, the Court held a conference call in the above-referenced cases and hereby orders as follows.

1. Based on guidance provided by Judge Jenkins, the Court confirmed for the parties that, as a general matter, discovery in the case is for the time being limited to claims construction only and that discovery regarding liability issues (*e.g.*, infringement, invalidity) will be addressed after the *Markman* hearing.

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///

1           2. The Court ordered, and the parties agreed, that the depositions of Mr. Oka, Mr. Takada, and  
2 Mr. Nakayama shall be deferred; that the deposition of Mr. Kobayashi in Japan shall proceed; and that,  
3 because of expense and efficiency reasons, the deposition of Mr. Kobayashi shall be permitted to cover not  
4 only claims construction issues but also liability issues. This is the only exception that the Court has  
5 permitted to date with respect to paragraph 1, *supra*.

IT IS SO ORDERED.

Dated: May 13, 2004

/s/